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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,777

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Thomas Michael Steffl

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10/13/2006

BLACKWELL SANDERS PEPER MARTIN LLP
720 OLIVE STREET
SUITE 2400
ST. LOUIS, MO 63101

EXAMINER

TRUONG, THANH K

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,777	Applicant(s) STEFFL ET AL.	
	Examiner Thanh K. Truong	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on July 31, 2006.

Election/Restrictions

2. Applicant's election with traverse of Group I, claims 1-15 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 16-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 claimed a second data storage device and a second recess of a carrier that was claimed in claims 1 and 2. However, there is no limitation set forth in claims 1 or 2 that an apparatus for inserting more than one data storage device and a carrier has

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more than one recesses. Claim 1 recites: "an apparatus for inserting a data storage device into a carrier" (emphasis added).

Claim 11, the recitation "and move a removed said data storage device" in lines 3-4 is vague and indefinite, because it is unclear what the Applicant is referring.

Claim 13, the phrase "suction caps" in line 3 is vague and indefinite, because it is unclear what the Applicant is referring.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on-sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Proffitt et al. (5,844,593).

Proffitt et al. discloses an comprising:

a conveyor system having a first conveyor (32) with a feed end (33) portion and a discharge end (34) portion and adapted to convey a data storage device carrier (X) in a direction from the feed end portion to the discharge end portion (Fig. 1) (first conveyor (32 also comprising belt 70 (70A, 70B, 70C, 70D) in other words, belt 70A-D are part of the first conveyor) ;

a first filling station (40) having a device for placing a data storage device (Y) adjacent to the carrier associated with the conveyor (Figs. 1 & 6E); and

a guide structure (145, 146) (the guide structure also comprising elements (155)) positioned adjacent the first conveyor forming a groove between a portion of the guide structure (145) and a portion of the first conveyor (belt 70 on the opposite side of the guide structure (145)) for receipt of a portion of the carrier therein and the guide structure having a portion (155) positioned to overlie a lower portion of a carrier recess (portion (155) is lay on the top part of the carrier, and thus is lay over the lower portion of the carrier recess) to form an opening into a lower portion of a recess in a carrier opening being adapted to allow a portion of the data storage device to move into the recess through the opening (Figs. 6A, 6B & 6E – the examiner construes that the carrier (X) is positioned inside the guide structure (145, 146) and the guide structure forms an opening on the carrier, and the opening is adapted to receive the data storage device), the guide structure having a portion positioned to engage and support a portion of a data storage device adjacent the opening (it is construed that figure 6E shows that portion of the belts (70) on both side engage and support a portion of a data storage device when it is dropped into the carrier through the opening).

Proffitt et al. further discloses:

the apparatus being operable to position the carrier at a first angle of at least about 25 degrees (as in claim 2), at least about 35 degrees (as in claim 3), and in the range of between about 35 degrees and about 60 degrees (as in claim 4) from horizontal at the filling station (Fig. 6E shows that the carrier is at an angle of about 90 degrees);

wherein the first conveyor including a first conveyor belt (70) adapted to move carriers in a direction from the feed end portion toward the discharge end portion, said first conveyor belt having an exposed first surface portion for engaging the carriers (X) and wherein the conveyor system including a second conveyor belt (70) having a second surface portion facing and spaced from a portion of the first surface portion forming a portion of the guide structure and the groove (Figs 4, 6, 6A, 6B & 6E) (as in claims 6 & 15);

wherein the apparatus (Fig. 5) including a power drive (90) associated with the first and second conveyor belts and operable to effect movement of the first and second conveyor belts at the filling station at substantially the same speeds (as in claim 7);

wherein the apparatus including a securement station operable to effect engagement between the data storage device and the respective carrier (Figs. 1 & 7 show that after the data storage device is deposit into the carrier, the carrier walls are closed and the apparatus creates the effect of engagement between the data storage device and the respective carrier (as in claim 8);

wherein the securment station including a grooved roller (130) arrangement rotatably mounted to the apparatus (as in claim 9); and

Figures 1 & 7 show that a second recess of a second carrier also is filled a second data storage device at the second filling station spaced (next to each other) from the first filling station (as in claim 10).

Regarding claims 5 and 11-13, a support (300) at the first filling station operable to position a data storage device (Y) at a second angle greater than the first angle by at

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least 2 degrees and wherein a lower portion of a data storage device being closer to its respective carrier (X) than a top portion of a respective data storage device (figure 6E) (as in claim 5);

wherein the filling station including an attachment device (301) mounted on a drive and being operable to releasably attach to a data storage device and remove a data storage device from a storage magazine (50) and removed the data storage device to a release and load position adjacent the groove (figure 6) (as in claim 11);

wherein the attachment device including a pair of spaced apart suction cups (327) connected in flow communication with a vacuum source (figures 6, 6C-6E) (as in claim 12); and

wherein the suction cups (327) are also connected in flow communication with a source of positive pressure fluid wherein the apparatus is operable to apply vacuum to the suction cups and a data storage device to effect removal of a data storage device from a storage magazine and to release the vacuum and apply positive pressure air to effect release of an attached data storage device (as in claim 13).

Allowable Subject Matter

8. Claims 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 25 is allowed.

Response to Arguments

10. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

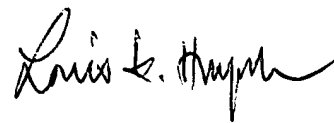
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkr
October 10, 2006.



LOUIS K. HUYNH
PRIMARY EXAMINER